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Message Text

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ORIGIN L-03

INFO OCT-01 EUR-12 ISO-00 USIA-06 CU-04 CPR-01 /027 R

DRAFTED BY L/M:HSHAMWELL/EUR/CE:VGRAY:DHT
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EUR/CE:WWOESSNER
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----------022491 131053Z /17
R 122341Z DEC 77
FM SECSTATE WASHDC
TO AMEMBASSY BERLIN

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E.O. 11652: N/A

TAGS: PDIP, SCUL, GE

SUBJECT: GDR COMPLAINTS ABOUT EMBASSY LIBRARY

REF: AMBASSADOR-GRAY TELCON NOVEMBER 23, 1977

1. DEPARTMENT UNDERSTANDS THAT GDR COMPLAINTS (REF) ABOUT "ADVERTISING" LIBRARY HOURS IN EMBASSY DISPLAY CASE AND GDR'S CONTENTION THAT LIBRARY IS "SECOND OFFICE, " APPROVAL FOR WHICH CAN BE GRANTED ONLY ON BASIS OF RECIPROCITY, HAVE NOW BEEN AIRED "INFORMALLY" AT DEPUTY FOREIGN MINISTER LEVEL. THOSE COMPLAINTS AND CONTENTIONS ARE NOT SUPPORTED BY AGREED MINUTE, TRANSCRIPT OF NEGOTIATIONS OF AGREED MINUTE NOR VIENNA CONVENTION.

2. UNDER THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS, TO WHICH THE GDR IS BOUND BY VIRTUE OF THE PROVISIONS
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OF THE AGREED MINUTE, PROMOTING FRIENDLY RELATIONS BETWEEN THE SENDING AND RECEIVING STATE THROUGH THE

DEVELOPMENT OF CULTURAL RELATIONS IS A SPECIFIC FUNCTION OF A DIPLOMATIC MISSION AS SET FORTH IN ARTICLE 3 OF THE CONVENTION. IT IS TRADITIONAL FOR DIPLOMATIC AND CONSULAR MISSIONS TO CARRY OUT THIS

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FUNCTION THROUGH THE OPERATION OF LIBRARIES AND
OTHER INFORMATION SERVICES. IN SOME CASES THESE
INFORMATION SERVICES ARE PROVIDED THROUGH A MISSION
SEPARATE FROM THE MAIN DIPLOMATIC MISSION, BUT OFTEN
THEY ARE AN INTEGRAL PART OF THE REGULAR MISSION.

3. IN UNITED STATES PRACTICE ANY ACTIVITY CARRIED ON BY A
DIPLOMATIC MISSION WITHIN THE FRAMEWORK OF ITS DIPLOMATIC
REPRESENTATION WHICH IS A RECOGNIZED
DIPLOMATIC FUNCTION IS ACCEPTED BY THE U.S. GOVERNMENT
WITHOUT CHALLENGE. THUS, IF THE GDR CHOSE TO ESTABLISH
A LIBRARY WITHIN ITS DIPLOMATIC MISSION IN WASHINGTON,
THE U.S. WOULD NOT NORMALLY INTERPOSE OBJECTION TO
THIS OPERATION.

4. WHERE AN INFORMATION SERVICE IS ESTABLISHED OUTSIDE
THE OPERATION OF THE ESTABLISHED DIPLOMATIC MISSION,
THERE IS SOME PRECEDENT FOR A SEPARATE AGREEMENT
BETWEEN THE SENDING AND RECEIVING STATES RESPECTING
THE STATUS OF THE OPERATION. NORMALLY, THE ISSUES
INVOLVED RELATE TO FISCAL PRIVILEGES AND COMPLIANCE
WITH CERTAIN DOMESTIC REGULATIONS SUCH AS, IN THE CASE
OF THE UNITED STATES, THE FOREIGN AGENTS REGISTRATION
ACT. WHEN SUCH ISSUES DO NOT COME INTO PLAY AS A
RESULT OF THE INTEGRATION OF THE INFORMATION SERVICE
WITHIN THE EXISTING DIPLOMATIC MISSION, NO QUESTIONS
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ARE RAISED ABOUT SUCH MATTERS AS DISPLAY OF SIGNS AND
OTHER IDENTIFYING INSIGNIA DESIGNED TO NOTIFY THE
PUBLIC OF THE EXISTENCE AND WHEREABOUTS OF SUCH SERVICES.

5. WHILE IT IS TRUE THAT THE OPERATION OF A
DIPLOMATIC MISSION AND, SPECIFICALLY, THE PROVISION
OF CERTAIN SPECIFIED SERVICES IS SUBJECT TO THE RULE
OF RECIPROCITY, AS SET FORTH IN ARTICLE 47 OF THE
VIENNA CONVENTION, QUESTIONS OF THIS NATURE DO NOT
NORMALLY ARISE UNTIL ONE STATE HAS RESTRICTED THE
OTHER IN ENGAGING IN SPECIFIC ACTIVITY. CONSEQUENTLY,
THE GDR HAS NO GROUND TO OBJECT TO THE U.S. PROVIDING
INFORMATION SERVICES IN THE GDR UNLESS THE U.S. HAS
RESTRICTED THE GDR IN THE CARRYING OUT OF SUCH FUNCTIONS
IN THE U.S. IF THE GDR HAS NOT REQUESTED PERMISSION
TO PROVIDE SUCH SERVICES IN THE U.S. AND, CONSEQUENTLY
HAS NOT BEEN DENIED THE OPPORTUNITY TO DO SO, RECIPROCITY
IS NOT A FACTOR.

6. IN KEEPING WITH SPECIFIC GUARANTEES OF THE
CONVENTION AND THE UNDERSTANDINGS REACHED BY THE
TWO GOVERNMENTS AT THE TIME OF SIGNATURE OF THE AGREED

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MINUTE, THE U.S. HAS THE RIGHT TO CONTINUE TO OPERATE
ITS LIBRARY IN THE GDR AND TO EMPLOY REASONABLE METHODS
FOR MAKING AVAILABLE THE INFORMATION SERVICES
INVOLVED, INCLUDING THE DISPLAY OF APPROPRIATE SIGNS
ON THE EMBASSY PREMISES INDICATING THE LOCATION AND
NATURE OF THE LIBRARY'S FACILITIES. EMBASSY MAY DRAW
ON PARAS. 2-5 ABOVE, IF GDR AGAIN COMPLAINS ABOUT
OPERATION OF THOSE FACILITIES. CHRISTOPHER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LIBRARY SERVICES
Control Number: n/a
Copy: SINGLE
Sent Date: 12-Dec-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE296472
Document Source: CORE
Document Unique ID: 00
Drafter: HSHAMWELL/EUR/CE:VGRAY:DHT
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770463-0440
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From: STATE
Handling Restrictions: n/a
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Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
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Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
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Retention: 0
Review Action: RELEASED, APPROVED
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Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
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SAS ID: 266846
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Status: NATIVE
Subject: GDR COMPLAINTS ABOUT EMBASSY LIBRARY
TAGS: PDIP, SCUL, GC
To: BERLIN
Type: TE
vdkvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/c6763806-c288-dd11-92da-001cc4696bcc
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